

COPY

T05-0027

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

STIPULATED AGREEMENT NO. 1096

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("COMMISSION"), the Illinois Central Railroad Company ("COMPANY"), Tyrone Township ("TOWNSHIP"), Franklin County ("COUNTY") and the State of Illinois, Department of Transportation ("DEPARTMENT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the Fairview Road/TR 50 highway-rail grade crossing of the Company's track located near Christopher, Tyrone Township, Franklin County, Illinois, designated as crossing AAR/DOT 293 693G, milepost 80.70-GE; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

DOCKETED

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder and a remote monitoring system. (See Exhibit B)
- (b) Installation of temporary STOP signs at the Fairview Road crossing within 30 days of receipt of a Commission Order for the installation of new automatic warning devices.
- (c) Improvement of the highway approaches to comply with 92 Illinois Administrative Code, Part 1535.204. (See Exhibit C)
- (d) Installation of a new twenty-four (24) foot wide, full-depth, timber, crossing surface.

Section 3 The Company has prepared a preliminary estimate of cost to accomplish the proposed safety improvements, which it may be required to perform. Execution of the Agreement by the Department will be considered as its acceptance and approval of all drawings, circuit plans and required specifications, attached hereto as Exhibit B.

The County, on behalf of the Township, has prepared a preliminary estimate of cost to accomplish the proposed approach improvements, which it may be required to perform. Execution of the Agreement by the Department will be considered as its acceptance and approval of said drawings, attached hereto as Exhibit C.

Section 4 The Company and the County, on behalf of the Township shall, upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order subsequent to this Agreement.

Section 5 The parties agree that an equitable division of cost for the proposed improvements should be as follows:

COST DIVISION TABLE:

IMPROVEMENT	EST. COST	GCPF	TOWNSHIP (COUNTY)	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$144,370	\$144,370 ¹ (100%)	\$0	Remainder ²	\$0
Modify Existing Highway Approaches	\$10,000	\$10,000 (100%)	\$0 ⁵	\$0	\$0
Widen and Reconstruct Existing Main Track Crossing Surface.	No estimate required	\$0	\$0	100% ⁴	\$0
Install temporary STOP Signs, if ordered	No estimate required	\$0	\$0	100% ³	\$0

Notes:

- ¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$144,370; upon petition to, and approval by, the Commission, any installation costs above the estimated amount of \$144,370 will be divided between the GCPF and the Company in the same percentages noted above.
- ² Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.
- ³ Company responsible for all future maintenance costs associated with the temporary STOP signs.
- ⁴ Company responsible for all future maintenance costs associated with the crossing surfaces.
- ⁵ Township responsible for all future maintenance costs associated with the highway approaches. Approach work to include transition from new crossing surface when installed.

Section 6 The Township is not financially able to bear an equitable portion of the cost for the proposed improvements and is not required to pay any portion of the cost for the proposed improvements.

Section 7 Special Provisions: Flagging or contractor liability insurance will not be required for the warning device improvements and surface work performed by railroad crews at the Fairview Road crossing.

Since the approach improvements at the subject crossing will be performed by the County, on behalf of the Township, flagging and contractor liability insurance will be required for said work.

The Township agrees to provide and maintain, at its expense, any necessary advance warning signs and pavement markings as required by the Manual On Uniform Traffic Control Devices. When a marked traffic detour is required, the Township, at its expense, shall furnish, erect, maintain and remove the traffic control devices necessary to detour highway traffic.

The Company shall give two weeks notice to Mr. Jack Greenwood, Tyrone Township Highway Commissioner, 2971 Izaak Walton Road, Mulkeytown, Illinois 62865, (618) 218-1210, before commencing work within the roadway right-of-way.

The Department has granted a variance, attached as Exhibit D, for the highway approach work required in Section 2(c).

The Company and the Township shall each complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits E-1 and E-2, along with this executed Agreement.

The Company and the Township shall each, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibits E-1 and E-2, regarding the progress each has made toward completion of the work herein required. Each Project Status Report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company or Township Project Manager.

All bills for work items specified in Section 2(c) and authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Region Five, District Nine Office of the Department at P.O. Box 100, Carbondale, Illinois 62903. All other bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24th month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

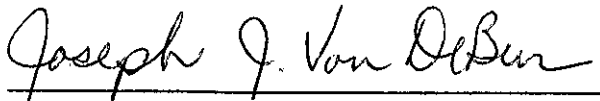
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 15th day of **February, 2005**.

A handwritten signature in black ink, appearing to read "Michael E. Stead", written over a horizontal line.

Michael E. Stead
Rail Safety Program Administrator

Attest:

A handwritten signature in black ink, appearing to read "Joseph J. Von De Bur", written over a horizontal line.

Joseph J. Von De Bur
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1096 concerning improvements at the crossing of the Company's track with a public highway known as Fairview Road/Township Road (TR) 50 located near Christopher, Franklin County, Illinois, designated as crossing AAR/DOT 293 693G, milepost 80.70-GE.

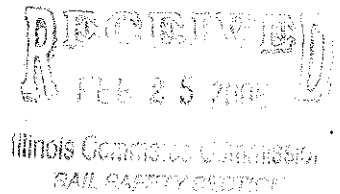
Executed by the County this 22nd day of February 2005.

FRANKLIN COUNTY

By: Harry Intervart
Chairman County Board

Witness:

Dave Dobill
County Clerk



Illinois Commerce Commission Stipulated Agreement No. 1096 concerning improvements at the crossing of the Company's track with a public highway known as Fairview Road/Township Road (TR) 50 located near Christopher, Franklin County, Illinois, designated as crossing AAR/DOT 293 693G, milepost 80.70-GE.

Executed by the Department this 22nd day of February 2005.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: Victor A. Moders
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1096 concerning improvements at the crossing of the Company's track with a public highway known as Fairview Road/Township Road (TR) 50 located near Christopher, Franklin County, Illinois, designated as crossing AAR/DOT 293 693G, milepost 80.70-GE.

Executed by the Company this 15 day of April 2005.

ILLINOIS CENTRAL RAILROAD COMPANY

By: Paul E. Ladner
Region Director Contracts & Administration

Witness:

Jim Surma

APPROVE AS TO FORM

REAL ESTATE _____
ENGINEERING _____
ACCOUNTING _____
LAW mpm slj
EXECUTION _____
LAW mpm


Illinois Commerce Commission Stipulated Agreement No. 1096 concerning improvements at the crossing of the Company's track with a public highway known as Fairview Road/Township Road (TR) 50 located near Christopher, Franklin County, Illinois, designated as crossing AAR/DOT 293 693G, milepost 80.70-GE.

Executed by the Township this 12 day of MAY 2005.

TYRONE TOWNSHIP

By: 

Witness:



RECEIVED
MAY 13 2005

Illinois Commerce Commission
RAIL SAFETY SECTION

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Illinois Central Railroad Company
USDOT#, MILEPOST	293 693G, 80.70-GE
STREET, CITY, COUNTY	Fairview Road, near Christopher, Franklin County
JURISDICTION (RDWY)	Tyrone Township
LOCATION	Rural, Residential, Agricultural
STREET SURFACE	14 ft. wide, Two Lane, Two Way, Oil and Chip

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Timber	16 Feet	Good

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	None within 250 feet
TRAFFIC CONTROL	None
ADT & SPEED	50 Vehicles (estimated) Per Day, Speed Not Posted
TRAFFIC TYPE	Passenger Vehicles, Possible School Busses, Possible Hazardous Materials, Possible Emergency Response Vehicles
ADVANCE WARNING	South Only
PAVEMENT MARKING	None

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	8 Per day @ 25 MPH, No Switch Movements, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	Reflective Crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	25	MPH
Roadway Speed	45 (assumed)	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	356	FEET
Along Tracks	243	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	595	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	*		*	
NW	*		*	
SE	*		*	
SW	*		*	

*Note: The installation of automatic flashing light signals and gates eliminates the need to satisfy minimum Sight Distance criteria.

APPROACH GRADES: See Location Sketch

DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100.0	---	0	100.0	---
25	98.3	-6.8	25	99.2	-3.2
50	96.9	-5.6	50	98.5	-2.8
100	95.8	-2.2	100	98.4	-0.2

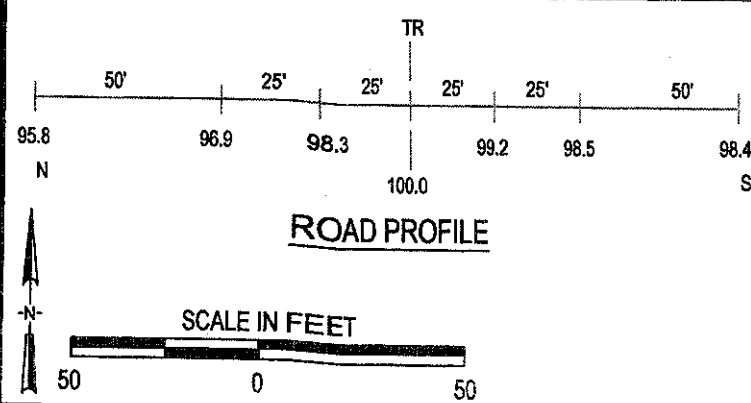
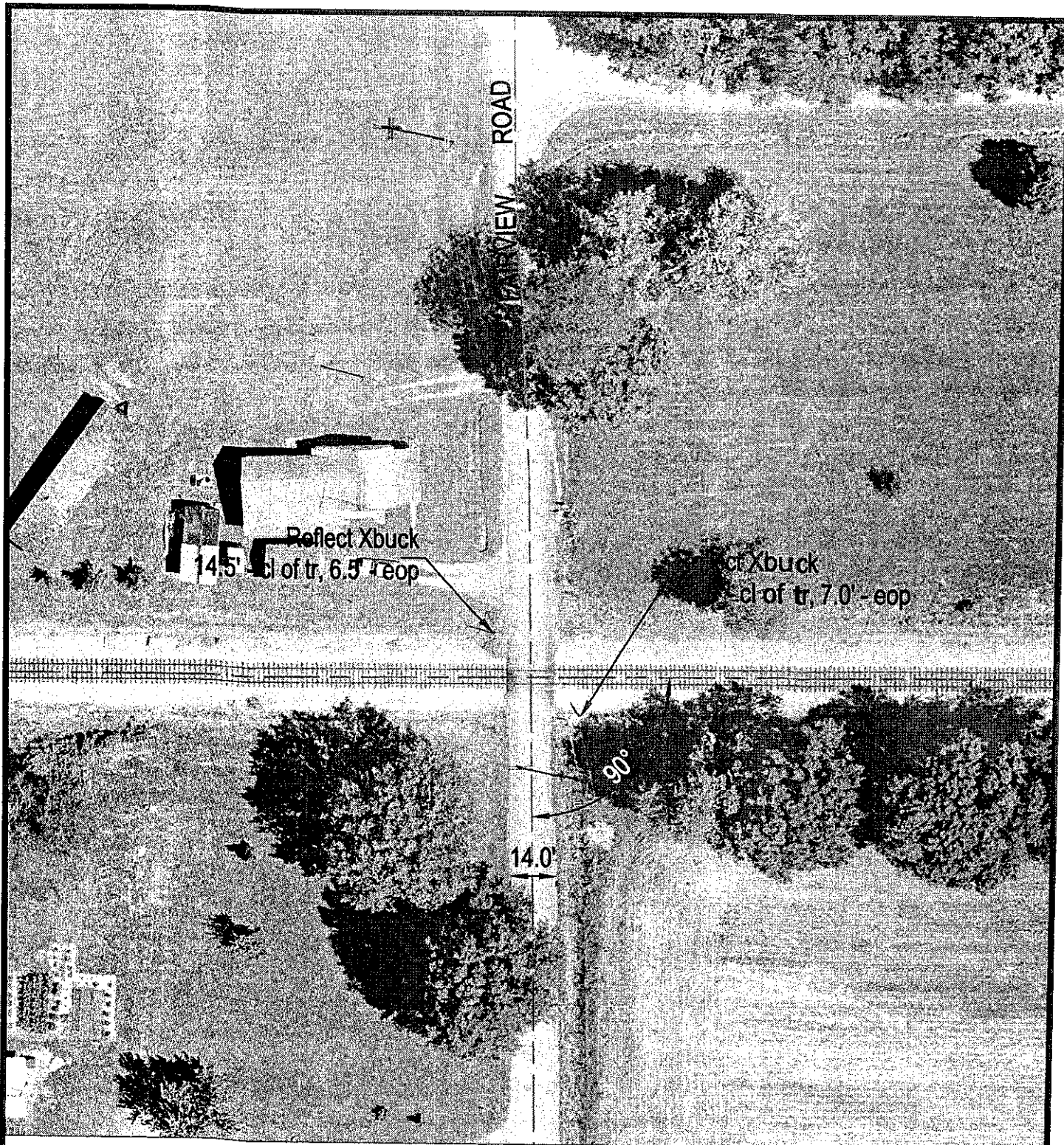
Distance measured from outermost rail.

COMMENTS:**RECOMMENDED COST DIVISION:**

WORK	GCPF	TYRONE TOWNSHIP ¹	IC RAILROAD
SIGNAL	95%	0%	5%
APPROACH(ES)	100%	0%	0%

¹The Township is unable to pay any of the costs of this project. The Township has provided documentation to Commission staff that indicates it cannot help pay for the proposed safety improvements without creating a financial hardship.

See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



Crossing #: 293693G

Location: Franklin Co., City of Christopher (Near)

Lat/Long: 37°58'18" / 89°04'53"

Railroad: Illinois Central Railroad Company

Street: Fairview Road/TR50

Railroad Milepost: 80.70-GE

Crossing Protection: Reflective Crossbucks

J:\FRANKLIN\233693G\233693G.DWG 09/07/00 08:18 JJA